

because I represent about 300 who lost loved ones on that fateful day on September 11, one of the saving graces from all of that was the outpouring of support from around the world that let them know that they did not stand alone; that let them know that our allies, whether Great Britain or beyond, stood with them and that the best days, hopefully, would come.

Today, we stand as a body, as elected representatives, but really speaking for those people we represent to send those same sympathies and condolences to the people of London.

Yes, we will prevail. Yes, this web of terror, and if there is not a point in time we can say, it let now be the time, this web of terror must be destroyed, whether it is Bali, or the World Trade Center, or the Khobar Towers, or Nairobi, or Jakarta, or any other place around the world where innocent people still must fear for their lives because of these radical terrorists who think nothing of taking innocent lives, including their own.

The people of London have now been Exhibit A in the latest chapter in the war against terror. But the free people of the United States, the free people of Great Britain, and the free people around the world, with our brave men and women in the United States Armed Services and those who are willing to step up and give their life, will prevail against these rogue terrorist punks.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Speaker, I thank the chairman and ranking member for bringing forth this resolution today.

All of us here know how the Brits felt last Thursday morning. We had all been there ourselves in our own morning of terror not that long ago. It was a routine morning commute, just a regular ordinary day; and then the course of hundreds of lives changed and thousands of others were deeply affected. And we saw the best of the people of London: people shocked but calm, bravely helping others, a city getting up and getting back to work on Friday morning, and determined leaders who will not bow to terrorists.

There were two things that came to my mind, and more than one person has recalled the leadership of Winston Churchill not that long ago. While his admonishment to "never give in" is more well-known, there is another speech he gave in the summer of 1941, after London had endured months of bombing and 20,000 casualties in the fall and winter of 1940-41. He said: "But there was one thing about which there was never any doubt. The courage, unconquerable grit and stamina of the Londoners showed itself from the very outset. Without that all would have failed. Upon that rock, all stood unshakable."

Upon that rock, they are still unshakable. Our thoughts and prayers are with the people of London.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume to reemphasize our united determination to stand with the people of the United Kingdom in their moment of sorrow and anguish and to reiterate our determination not to rest until terrorism is destroyed on the face of this planet.

Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume to associate myself with the remarks of the gentleman from California (Mr. LANTOS).

Mr. HOYER. Mr. Speaker, even today, as our friends and allies in London and the United Kingdom move forward with heavy hearts and continued anxiety, they are striking back at the barbaric and cowardly terrorists who attacked them without warning last week.

The British people have seen the face of evil and, as we knew they would, they have remained steadfast, resolute, and unbowed.

They have no intention of altering their way of life, or compromising the democratic principles that have fortified them through the centuries.

All of us can learn from their strong, courageous example, as we extend our deepest condolences to the loved ones and friends of those who have been stolen by these heinous murderers.

It is incumbent upon us not only to condemn the perpetrators and supporters of these unconscionable attacks, but also to express the unwavering solidarity of the American people and our government with the people and government of the United Kingdom.

Mr. Speaker, the civilized world is under attack today by the purveyors of hate, violence, intolerance and lawlessness. They have no compunction about attacking and killing innocent men, women and children.

And our responsibility to this and future generations could not be more clear. We must expose the moral emptiness and political hopelessness of those who subscribe to this twisted ideology—this jihadist death cult—and we must extinguish this force of darkness and despair.

Victory in this fight will not be easy, but it is inevitable as long as all those who cherish peace, tolerance and the rule of law stand together as one.

Sixty-five years ago, Winston Churchill, in steeling the British people against the terror of his day—Hitler's Nazi regime—said: "Victory at all costs, victory in spite of all terror, victory however long and hard the road may be; for without victory there is no survival."

We must summon the same courage and conviction today. Our enemies seek our destruction, but they underestimate our will. But we shall succeed. Victory will be ours. And, when we look back upon these difficult days, we will be reminded of the British people's courage and steadfast determination.

Mr. HYDE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMMONS). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the resolution, H. Res. 356.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### PROVIDING FOR CONSIDERATION OF H.R. 2864, WATER RESOURCES DEVELOPMENT ACT OF 2005

Mrs. CAPITO. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 346 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 346

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2864) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except

one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 346 is a structured rule that allows for debate on H.R. 2864, the Water Resources Development Act of 2005. The rule makes in order seven amendments to the bill, five offered by Democrats, one offered by a Republican, and one bipartisan amendment.

The underlying bill is a solidly bipartisan piece of legislation introduced by the chairman and ranking member of the full Committee on Transportation and Infrastructure and the chairman and ranking member of the Subcommittee on Water Resources and the Environment.

I want to begin by thanking the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); chairman of the subcommittee, the gentleman from Tennessee (Mr. DUNCAN); and the ranking member, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), for working together to produce an outstanding piece of legislation.

The Water Resources Development Act renews the commitment of this Congress to dealing with our Nation's water infrastructure. From clean drinking water and wastewater treatment to transportation on our rivers, it is crucial to invest in our water infrastructure.

H.R. 2864 authorizes or modifies 102 projects and studies related to navigation, improving our country's ability to ship goods and improve our economy.

The bill includes 225 flood disaster reduction projects and studies. West Virginia, my home State, has been hit by several devastating floods in the past few years. I appreciate that this bill includes authorization for a watershed drainage assessment of the lower Kanawha River Basin in Kanawha, Putnam, Mason, Jackson, and Roane counties in my district.

H.R. 2864 also reauthorizes important corps projects across the country to bring water and sewer lines to rural communities. These water and sewer projects bring jobs and economic development to areas that need business investment. This legislation is a jobs bill because it provides for the infrastructure needs of our communities and allows for better movement of goods across our waterways.

The Committee on Transportation and Infrastructure reported the Water Resources Development Act in a bipar-

tisan manner, and I trust that the full House will adopt the bill today in the same manner. I ask my colleagues to join me in support of the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from West Virginia for yielding me this time, and I yield myself such time as I may consume.

(Ms. MATSUI asked and was given permission to revise and extend her remarks.)

Ms. MATSUI. Mr. Speaker, I rise in support of this rule and strongly support the underlying measure, H.R. 2864, that would provide for the water infrastructure needs of our Nation.

The Water Resources Development Act before us today reflects a shared commitment to the larger goal of developing our national water resources to address economic, environmental, and also public safety needs.

H.R. 2864 is a comprehensive bill. It does more than just authorize nearly \$10 billion for the construction of nearly 700 water resource development projects and studies by the Army Corps of Engineers. It seeks to improve the corps' implementation of projects.

From working with the corps year after year, we know there are better ways to implement projects. This bill includes provisions to ensure that corps projects are managed in a coordinated and efficient manner, with improved financial management.

To improve the planning and execution of ongoing projects, the committee is asking that the corps submit yearly financial reports, including anticipated spending needs for future years.

□ 1300

The measure also streamlines the project review process for environmental reports and analyses.

Further, it would also allow for better coordination between the Federal review and State agencies affected by the project. And these are just a few examples of the many provisions this bill includes to encourage better management and coordination of U.S. Army Corps projects. These improvements are common sense. They will not only facilitate better economic and environmental benefits of the projects, but they will also allow projects to reach completion faster.

With a number of ongoing water projects in my district of Sacramento, California, these provisions will translate into real and tangible results. Sacramento has a long history intertwined with floods.

When the city endured a near catastrophic flood in 1986, the community quickly realized it did not have nearly the level of flood protection necessary to fully safeguard the region. After the city again faced more floods in 1997, the community redoubled its efforts to achieve 200-year flood protection. However, until that day arrives, flooding

remains a very constant and genuine threat. And continued Federal assistance plays an important role in obtaining that goal.

Despite years of effort, Sacramento still remains one of the most flood-prone and threatened cities in the country, pining in comparison to the level of protection enjoyed by other river cities.

Thanks to the leadership of this committee, much has been done to address the flood control needs of the region. Indeed, several project authorizations already in place that, once completed, will provide in excess of 200-year flood protection for much of the area. With the continued support of Congress, Sacramento has already made incremental progress toward our initial goal of achieving 100-year flood protection for the region, and ultimately moving as quickly as possible towards 200-year flood protection.

Fortunately, as a result of lengthy bipartisan negotiations, Congress has authorized a suite of projects that will achieve 200-year flood protection. Upon completion of the authorized projects to improve area levees, modify the outlets of Folsom Dam and raise Folsom Dam by 7 feet, Sacramento will obtain its long-term flood control goal.

I deeply appreciate the years of support of the Committee on Transportation and Infrastructure has provided to ensure these projects continue to move forward, providing Sacramento the level of flood protection that it both needs and deserves.

In this bill, the committee embraced a project which seemed to be bogged down and hopeless, but because of a little bit of innovation and a strong commitment to finding success, it will be authorized today.

After the Corps of Engineers recommended a flood control project at Magpie Creek in Sacramento, the project faced an unavoidable redesign that nearly doubled the total cost of the project. The cost increase put the project out of reach of local affordability, and the project seemed to be stalled indefinitely. Taking the initiative, the local sponsor, the Sacramento Area Flood Control Agency, developed a revised plan that is not only less costly, but also has less of an environmental impact.

What is significant is the cooperation between the local stakeholders, the Corps and Congress to work together to find a solution. Because of this cooperation, Sacramento now has a more efficient project which will better protect us.

Just as thought went into this project's plan, it is apparent that the Transportation and Infrastructure Committee put great deliberation into this bill. I would like to offer my deep gratitude for the hours of work that the gentleman from Alaska (Chairman YOUNG) and the gentleman from Tennessee (Chairman DUNCAN) and the ranking members, the gentleman from

Minnesota (Mr. OBERSTAR) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) have put into this bill. Their long negotiations have produced a bill that will save lives, homes and businesses from devastation of floodwaters and improve the quality of life.

These are stakes Sacramento knows well. My district is located at the confluence of the Sacramento and American rivers. Sacramento is the hub of a 6-county regional economy that provides 800,000 jobs for 1.5 million people. A major flood along the American River will cripple this economy, and cost between \$7 billion and \$16 billion in direct property damages and likely result in significant loss of life.

The risk of serious flooding poses an unacceptable threat to the safety and economic well-being of Sacramento and to California's State capitol. It is because of the bipartisan commitment in the Sacramento region and the bipartisan commitment of these committee members that Sacramento is slowly reducing its risk of flooding. We are on a path, and I thank the committee for forging ahead with my community, to bring Sacramento the long-awaited flood protection it needs and deserves.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS), my colleague on the Committee on Rules.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentlewoman from West Virginia (Mrs. CAPITO) for yielding me this time.

Mr. Speaker, I rise in support of this rule and the underlying bill, the Water Resources Development Act of 2005, or WRDA.

Our Nation's water resource infrastructure is critical to our economy, transportation system, power generation, flood control, and environmental protection and restoration. This is especially true in my area in the Pacific Northwest.

Our region's river system is a great resource, a resource that must be well-managed and protected. Hydroelectric dams provide clean, low-cost renewable power. These facilities also provide a system of locks that allow for the efficient transport of tons of agricultural products to coastal ports, which reduces congestion on our highways and rail systems. The dams allow for the control of floods, should that be necessary.

The coastal ports that receive the river-barged goods and products also need careful attention. They are the gateways to overseas markets. The success of farmers and manufacturers throughout the Northwest depend upon these ports being navigable and appropriately maintained.

I want to highlight several provisions of this bill that are of importance to the communities and individuals that I represent in central Washington.

Like the WRDA bill passed by the House in the last Congress, this bill includes direction to the Corps of Engineers to allow workers at northwest dams to participate in wage surveys. This is a simple matter of equity as workers' participation in wage survey is afforded to other Federal workers doing similar jobs, especially at other facilities in the northwest. I have worked with the United Power trade organization on this effort, and I am pleased it once again will pass the House.

This bill also includes language that will allow the Corps to officially give credit to the Port of Sunnyside for funding it has invested to maintain progress on its wetland restoration and waste water treatment project. This project is a creative initiative by the Port of Sunnyside to improve the river habitat and provide for greater economic growth in the local community. This provision ensures that the Port of Sunnyside gets proper credit for funds it invests as it works with the Corps to make this project a reality.

Finally, this legislation lifts Corps restrictions on the development of several Port of Pasco properties. I am very hopeful that elimination of these flowage easements will allow beneficial use of this prime riverfront property to move forward to the betterment of Pasco and the Tri-Cities, of which Pasco is one of the three cities.

Mr. Speaker, we must keep our commitment to sustain and enhance our Nation's water resource infrastructure, and that requires a regular review and updating of congressional direction to the Corps of Engineers to ensure that existing projects are maintained and that new needs are met.

This is the purpose of the WRDA bill and why it is important that it pass the House and the Senate act on it this year to ensure that this measure and the benefits it provides will become law.

Therefore, Mr. Speaker, I urge my colleagues to support this rule and the underlying WRDA bill.

Ms. MATSUI. Mr. Speaker, I yield 7 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's courtesy for yielding me this time, and I noticed with pride her reference to the Sacramento situation. We worked with Bob Matsui on that for years, and he provided great leadership. I appreciate the gentlewoman's continued efforts, and I am pleased this bill looks like it may help move that project forward. It is a priority for not only California, but also the Nation.

I am also pleased to serve under the leadership of the gentleman from Tennessee (Chairman DUNCAN). I truly believe that the work of the gentleman from Tennessee (Mr. DUNCAN) is developing a path for a new direction for the Corps of Engineers and water resources.

This has been an arduous, difficult task in our Chamber and the other

Body, dealing with a wide variety of issues and I salute him, our ranking member, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and her predecessor, Mr. COSTELLO, because I know they have spent long, hard hours bringing forth a product that will do much good for America.

I come today in support, however, of one amendment which I appreciate being made in order in this rule which will enable the Chamber to take a step back and look at the largest, most expensive navigation project in America's history. I think it is important that we take that careful look, because frankly, there are grave questions about this project.

Today, for instance, I note yet another in a flood, if I may use the term, of editorials from around the country. This from the Chicago Tribune entitled "Reality on the River" that calls into question the wisdom of this massive investment.

WRDA would authorize \$1.8 billion to expand seven locks on the upper Mississippi and Illinois Rivers. This would be the most expensive project for navigation in our Nation's history. It will take 10 to 15 percent of the Corps construction funding for years, indeed decades.

The gentlewoman from California (Ms. MATSUI) needs to be concerned about this if we are going to fund what she wants. The gentlewoman from West Virginia (Mrs. CAPITO) has water resource needs that are of significance to her constituents, which are at risk if we are going to make this massive investment.

For order of magnitude, Members are familiar with the "Big Dig" highway project in Massachusetts. This is an order of magnitude five times larger than the Big Dig when applied to water.

When the Corps is facing a \$58 billion backlog of projects right now and a construction budget of less than \$2 billion per year, we need to look at this very, very carefully; especially since the economic justification of this project is not just shaky, but frankly, it looks to be flawed.

Studies by the National Academy of Science and the Congressional Research Service, as well as the recent history of traffic on the Mississippi, shows that there is not an increase in barge traffic that would justify it. In fact, for the last 20 years, barge traffic has been flat, and for the last 13 years it has declined. It has declined more than a third from 1992. As barge traffic has declined, we have nonetheless spent almost a billion dollars rehabilitating the locks on the river. This has been controversial from the start. This project helped launch our Corps reform efforts. Members of this Chamber may remember in the year 2000, the Corps of Engineers fired the lead economist, Donald Sweeney, because he claimed Corps officials had ordered him to "cook the books," to underestimate how much was going to be shipped.

Well, he applied for whistleblower protection. In fact, the Army's inspector general confirmed that the Corps had manipulated the documents. Unfortunately, the Corps has not adequately fixed the process.

Several studies from the National Academy of Science and the Congressional Research Service show that the model is still flawed. In fact, the most recent study from the National Academy of Science in 2004 points out that despite their efforts, "The study contains flaws serious enough to limit its credibility and value within the policymaking process."

Now, I want to make clear I am not here today to kill this project. The gentleman from Arizona (Mr. FLAKE) and I are offering an amendment that simply says if this project is justified, then it goes forward. Our amendment just says that the minimum justification, 35 million tons of barge traffic, is the lowest justification that would make this economically viable. They have 3 more years to hit the target. Maybe there has been an aberration in the last 20 years, so they have 3 more years. If in the course of the next 3 years there still is no increase, then certainly we should not be spending almost \$2 billion.

This amendment does not delay the project. Testimony before our committee indicated it will take 4 to 5 years even with optimal funding for planning for this to move forward.

□ 1315

Not only would the amendment not delay the project at all, the gentleman from Arizona (Mr. FLAKE) and I recommend that there be immediate activities in the basin to be able to move barges more efficiently. Under our amendment, people who ship will get help immediately. It will make it easier for barge traffic to go up and down. It will make it easier to hit their projections. It would seem we are doing them a favor.

Bear in mind that this is a time of great change in the upper Midwest. Their products are going north to Canada on rail, south to Mexico on rail under NAFTA. They are actually exporting less because they are using product for the domestic market for things like ethanol and for food for animals. It is not likely that there is going to be a need for increased river capacity in the future. And it is not about shifting to trucks. This product is already moving on rail, going north and south, going west; and we are not taking away the barges in the Mississippi River. They will still be there.

I strongly urge my friends to look at this, the largest project for navigation in our history, to do things now under our amendment that will help the barge traffic, that are cheaper and more cost effective. Every Member has a stake in this, and I urge your consideration.

[From the Chicago Tribune, July 13, 2005]

#### REALITY ON THE RIVER

Congress is poised to approve the most expensive water navigation and restoration project in U.S. history, despite glaring evidence that the project is a multibillion-dollar boondoggle.

The proposed \$1.8 billion project would enlarge and modernize the 80-year-old system of locks along the Mississippi and Illinois Rivers so barges carrying corn, soybeans and other goods to Gulf of Mexico ports can travel more quickly. Advocates say the project is needed for Midwestern agribusiness to stay ahead of rising competitors such as Brazil. The mighty Mississippi remains a cheap shipping route, but congestion and other delays sometime hold up barges for hours.

The 10-year-old project, though, has faced constant questions about wasteful spending and inflated expectations. The Army Corps of Engineers has predicted river traffic could increase as much as 30 percent over the next 20 years. But a Congressional Research Service report and studies by the National Academy of Sciences have found little to back up that rosy projection and have questioned whether the real economic benefits will be worth the cost.

Congress has one chance to protect taxpayers on this. The House is scheduled to vote as early as Wednesday on a measure that would cut off the project's funds before construction begins if river traffic fails to grow as much as the Army Corps projects it will over the next five years. That measure deserves strong support.

There's good reason to question the projections. Mississippi River traffic is close to where it was back in 1980 and has declined sharply through the five major locks since 1990, partly because Midwestern growers have been shipping more goods by rail and selling more corn to nearby ethanol plants.

The locks improvement project ground to a halt in early 2000 after a whistle-blower accused the Army Corps of inflating the project's economic benefits. An investigation by the Army's inspector general later cited a built-in bias at the Corps in favor of costly construction projects.

Yet a coalition of barge operators, agricultural producers and Midwestern lawmakers is pushing the House to approve the project before the August recess.

It may be too late to head off that approval. But an amendment sponsored by Rep. Jeff Flake, an Arizona Republican, and Rep. Earl Blumenauer, an Oregon Democrat, would make the first phase of construction money dependent upon river traffic increasing enough to justify it.

If traffic fails to reach the 16 percent growth that the Army Corps projects by 2010, funds to the expansion project would be denied. Taxpayers would have paid only \$13.7 million, which was approved last year for research and design.

The Army Corps of Engineers has an unfortunate reputation for underestimating costs and exaggerating benefits of some of its projects. Tying its construction budget to its own predictions would create a powerful incentive for the Corps and other government agencies to ground their grand plans in realistic expectations.

Mrs. CAPITO. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN), the chairman of the Subcommittee on Water Resources and the Environment.

Mr. DUNCAN. Mr. Speaker, I thank the gentlewoman from West Virginia for yielding me this time and for her hard work on this bill. I rise in strong

support of the rule for consideration of H.R. 2864, the Water Resources Development Act of 2005. This is a good rule and a good bill. There are, as all of us know, very few amendments; and I think that is in large part because the committee has worked hard over a long period of time to address Members' needs in the bill and in the manager's amendment.

I think that our subcommittee does not have a better member than the gentleman from Oregon (Mr. BLUMENAUER), and I will speak more to his amendment during general debate. But I can tell you that I certainly sympathize with the thrust of his amendment because I think every water project in the country should be looked at very closely and should be done in the most cost-effective way possible. I will say just simply at this point that the project of which he has spoken and to which his amendment is addressed is the number one priority of the Inland Waterway Users Board representing the taxpayers who pay into the inland waterway trust fund and that pays one-half of the project cost. As I said, I will speak in more detail about the general provisions of the bill during general debate.

Right now, let me just say that H.R. 2864 is the product of several years of bipartisan work by the Transportation and Infrastructure Committee. The gentleman from Oregon (Mr. BLUMENAUER) mentioned the gentleman from Illinois (Mr. COSTELLO) who was the ranking member and with whom I worked so closely on this bill in the last Congress.

Basically, this bill in the last Congress is really the product or was the forerunner and is very, very similar to this bill and that bill passed the last Congress by a vote of 412-8. Basically, we have the same bill here today. By working together, the committee is presenting to the House a bill that is supported by over 200 organizations, including the U.S. Chamber of Commerce, which has stated that they plan to score the vote on this bill when they issue their annual "How They Voted" ratings.

I certainly would not want to run through the more than 200 of those groups, but just let me give you a short list of some groups supporting this bill, and you will see some of the wide variety:

the Chamber of Commerce, the American Society of Civil Engineers, the American Farm Bureau Federation, the American Shore and Beach Preservation Association, the Associated General Contractors of America, the International Brotherhood of Teamsters, the National Association of Flood and Stormwater Management Agencies, the International Longshoremen's Association, the National Corn Growers Association, the American Association of Port Authorities, the Laborers International Union, the National Mining Association, the Agricultural Retailers Association, American

Waterways Operators, National Rural Electric Cooperative Association, the American Shipbuilding Association, the National Stone, Sand and Gravel Association.

I could go and on. But you see that we have business groups supporting this bill, labor groups supporting this bill, governmental organizations supporting this bill; and so I think this is a bill that deserves bipartisan support. It is a very fiscally conservative bill.

But I think perhaps even more importantly, we have passed WRDA bills and water resource development bills usually every 2 years for many years. No WRDA bill in the history of this Congress has done more to be environmentally friendly, none has done more for environmental infrastructure projects, none has gone further in setting up peer review procedures for our major projects; and so I think this is a bill that will receive and will deserve the support of a very large number of Members on both sides of the aisle.

Mr. Speaker, I thank the Rules Committee for their help and assistance and cooperation, and I urge passage of this rule and passage of the underlying bill.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

I encourage Members to support the rule. I look forward to the debate and hopeful passage of the underlying bill.

Mr. Speaker, I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield myself the balance of my time. I urge all of my colleagues to support this fair rule and the bipartisan underlying legislation which provides critical funding to improve our Nation's water infrastructure. From clean drinking water and wastewater treatment to transportation on our rivers, it is crucial to invest in our water infrastructure.

This is a jobs bill that will spur economic growth and development in communities across our Nation. I believe all Members should be able to support this rule and the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### RECESS

The SPEAKER pro tempore (Mr. SIMMONS). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 27 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1354

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro

tempore (Mr. BOOZMAN) at 1 o'clock and 54 minutes p.m.

#### APPOINTMENT OF CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2005

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### MOTION TO INSTRUCT OFFERED BY MRS. CAPPS

Mrs. CAPPS. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mrs. CAPPS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 6 (An Act to ensure jobs for our future with secure, affordable, and reliable energy) be instructed not to agree to the inclusion of any provisions in the conference report modifying the liability with respect to methyl tertiary butyl ether (MTBE).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from California (Mrs. CAPPS) and the gentleman from Texas (Mr. BARTON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this motion would do one thing: it urges conferees to reject a provision granting MTBE manufacturers a waiver from liability for the damage their products have caused to groundwater supplies throughout this country.

This broad liability waiver for MTBE manufacturers should be rejected for a number of reasons.

First, and most recent, a new draft risk assessment on MTBE written by the Environmental Protection Agency has concluded that MTBE is a likely, and I quote "likely," human carcinogen. According to the publication "Inside EPA," the study pinpoints kidney and lymph node tumors as a result of MTBE exposure.

Up until now, most of the concern about MTBE contamination has been that a tiny bit of it makes water smell and taste like kerosene, rendering the water unusable. But now EPA has released information that says MTBE in water may mean more than an unpleasant taste or smell: it may threaten your health.

MTBE contamination is a huge problem, and it is not going away. To date, this contamination has been found in over 2,300 water systems serving 36 States. Two recent studies have reconfirmed that the cost of removing MTBE from drinking water is substantial. The new studies put MTBE cleanup costs in

the range of \$25 billion to \$33 billion and could be as high as \$85 billion or more, and that is the cost for existing pollution.

Third, documents unearthed in court cases show that MTBE manufacturers knew as early as the mid-1980s about the damage their products caused to groundwater sources; and yet they continued to add it to gasoline. That is why juries have found that MTBE is a defective product. They also found that oil companies acted with malice because they knew what could happen with MTBE, and they did not do anything to stop it. That is why these oil companies have settled their cases. They did not pay millions of dollars to Tahoe, Santa Monica, and other communities out of good citizenship. They did it because they knew that juries would lower the boom on them for their actions. That is why this bill voids defective product lawsuits, because that is the way oil companies are being held accountable for their actions.

Fourth, CBO has found that the liability waiver in this House bill is an unfunded mandate. This protection for MTBE manufacturers is a huge unfunded liability that would shift the cost of the cleanup, literally billions of dollars, on to towns, cities, and water districts, on to your constituents, I say to my colleagues; and that is just plain wrong.

Mr. Speaker, 2 months ago, the House narrowly voted down my amendment to strike the MTBE liability waiver from our bill. Many Members voted "no" because of some impending deal to address the cleanup issue once and for all. Well, reports of this deal have leaked out. They are not pretty, and they will not address the MTBE contamination that your constituents face today or may face in the future.

The deal would provide full liability protection to MTBE producers and establish a \$4 billion to \$8 billion trust fund to address the contamination crisis. One big problem: remember, the cleanup of MTBE contamination is going to cost between \$25 billion and \$33 billion and could be as high as \$85 billion, dwarfing this deal's cleanup fund.

Another problem: at least half of this fund comes from taxpayers. Mr. Speaker, why should taxpayers pay to clean up MTBE contamination? MTBE manufacturers caused this problem, and they knew it when they did it. They should clean it up.

This is a deal written by the industry for the industry. And it is no surprise that no one from the water industry, no cities, no counties, the people who will have to deal with the contamination, none of these people support this bill.

Finally, these are the controversial MTBE provisions that killed the energy bill in the last Congress. The Senate bill did not include MTBE provisions in their bill, and for good reason. They knew that giving these manufacturers protection from liability would